

Constitutional Government Today in Soviet Russia

Robert LeFevre

CONSTITUTIONAL GOVERNMENT
TODAY IN SOVIET RUSSIA

By ROBERT LEFEVRE

The Nature of Man and His Government

This Bread Is Mine

Constitutional Government Today in Soviet Russia

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THE CONSTITUTION OF THE U.S.S.R.
ANNOTATED AND EXPLAINED

by

Robert LeFevre

An Exposition-University Book



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To

B A L D Y

who long ago saw that violence,
constitutionally or otherwise, is
contrary to man's best interests.

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INTRODUCTION

Constitutional Government in Russia

MEN fear the unknown. Today, many in America have an abiding fear of Russia—or, more properly, the Union of Soviet Socialist Republics. The U.S.S.R. is an enigma in many minds. But when certain facts are known, the fear that comes from not knowing can be replaced by understanding and a more rational approach to the problem faced as a result of the Russian political and economic system.

There probably are only a few persons in this country who know that the U.S.S.R. has a formalized government. Many believe that this important country is governed exclusively according to the whim of the dictator, whoever he may be at the moment. Actually, Russia has a constitution, patterned to some degree after the American Constitution and resembling in its formation the charter of the United Nations, which may have been patterned after it.

The U.S.S.R. is a representative republic with constitutional guarantees.

The purpose of this study is to examine the Russian Constitution and the system of governmental regulation and control it embodies. To approach this study, a brief excursion into the early history of Russia is indicated.

This vast land, the largest country in the world at the present time, extends from the North Pacific Ocean westward to the Gulf of Finland. It occupies the northern part of Asia and the eastern half of Europe. It stretches from the Arctic on the north to the Black Sea and China on the south. Within this enormous

territory live a polyglot people numbering, according to 1960 estimates, about 214,400,000.

In the West, little was known of Russia before the 9th century A.D. Until then, there is only an occasional mention of the savage and barbarous tribes who inhabited the region. Herodotus refers to persons living north of the Black Sea as Scythians. Other historians make brief reference to these people and this territory.

We begin to hear of Russia as a nation when the seat of government was at Kiev in the Ukraine. That regime lasted about four hundred years, until the 13th century, when the entire territory was overrun by Genghis Khan and the Golden Horde. The Mongol invasions were finally brought to a close, largely by the efforts of the Muscovites, the people of Muscovy, of which Moscow is the center.

In 1480 the government was stabilized and a royal line of rulers established. Ivan IV (the Terrible) was proclaimed as the first czar in 1547. Peter the Great (1682-1725) extended the territory of Muscovy and established Russia as an empire that lasted from his time to the time of Czar Nicholas II. The empire ceased to exist in 1917 as a result of the two major political upheavals that occurred that year. Since 1917 it has been correct to refer to Russia as the Union of Soviet Socialist Republics (*Soyuz Sovyetskikh Sotsialisticheskikh Respublik*).

During the empire, the Russian economic system was feudal in character. The peasants and serfs, in the main, were "owned" by political favorites, princes, members of the royal family, and the czar himself.

While much of the rest of the world was emerging from the Dark Ages, experiencing first a renaissance and then an industrial revolution, Russia remained in the background. Then came the series of events that was to place this territory and this people near the center of the world stage.

For many years the czars had dreamed of expanding their

empire in a southwesterly direction through the Eastern European nations, the Balkans. Serbia, one of the Balkan principalities, was favorable to Russia and envisaged advantages to itself and disadvantages to its neighbor and rival, Austria, if Russian ambitions could be realized.

Austria, under the scepter of Emperor Franz Josef, had inflicted certain economic sanctions on Serbia for a number of years. In two wars fought in the Balkans, in 1912 and again in 1913, Austria had managed to maintain its dominance of the entire Balkan territory. Friction between Serbia and Austria finally came to a head on June 28, 1914, when Gavrilo Princip, a Bosnian Serb terrorist, assassinated the heir to the Austrian throne, Archduke Franz Ferdinand, and his wife, the Duchess of Hohenberg. The shooting occurred in Sarajevo, a town in Bosnia.

At issue was the question of dominance in this region. Should it be Russian or should it be Austrian? The bullets from Princip's gun set in motion the train of events which has culminated in Russian emergence as a major power and possibly as a major threat to the peace of the world for generations yet to come. The U.S.S.R. now dominates the Balkans.

Following the assassinations, Austria made ten demands for apologies from Serbia and a suppression of all anti-Austrian agitation. Included in the ten was a demand for the arrest of the assassin by Austrian police. Serbia agreed to eight of the ten demands but balked at the thought of having Austrian police searching for Princip.

At this juncture, Russia warned Austria to proceed no further, claiming that Austrian action was aimed at Russia. The czar stated in the event of further difficulties, Russia would be on the side of Serbia.

France was already in league with Russia, but Germany was tied to Austria. Great Britain, France and Italy proposed mediation, but nothing came of it.

On July 28, 1914, Austria declared war on Serbia. Germany declared war on Russia on August 1. On August 3 this was followed by a German declaration of war against France.

German armies under von Hindenburg, Ludendorff, Hoffmann, and François faced the Russian armies at Tannenberg in East Prussia, and defeated them (August 26–31). The Russian General Samsonov killed himself, and one of the Russian armies, under Rennenkampf, fled. The German eastern front had been secured.

Meanwhile, about three weeks earlier, Germany had violated the border of Belgium, which Britain was pledged to protect. Britain joined with France in the field. The major military action was fought in France and Belgium until the end of the war.

In Russia, Czar Nicholas II proved to be irresolute. The war with the Central Powers was unpopular. The czar could never be certain that his proper course was to carry on a military campaign. He went to the front personally, but failed to inspire his troops.

V. I. Lenin, known as the leader of the Bolshevik faction of the communist front, was in Switzerland during this period, striving by propaganda to alter the character of the war so that it would become a true communist revolution in which the rulers and owners of property were to be overthrown, to be replaced by a labor government, with all property owned and managed by the state, allegedly in behalf of the workers.

The Lenin propaganda had its effect, principally in Russia. There, with Lenin *in absentia*, a palace revolt in February of 1917 resulted in the overthrow of the czar's regime. This was the first successful revolt against the czars, although several others had occurred without success. A provisional democratic government under Prince Georgi Lvov was established.

Czar Nicholas, still at the front, vacillated. Finally, on March 15, he abdicated. After the abdication, the czar and his

family were taken into custody. The provisional government of Prince Lvov was reorganized under A. F. Kerensky.

General Ludendorff, in his memoirs, tells a strange story. The German high command entered into negotiations with Lenin in Switzerland and, following the revolution, agreed to take Lenin across Germany and Sweden into Russia so that he could propagate bolshevism. The theory was that if Russia had sufficient in the way of internal problems, the two-front war Germany had been fighting could be eliminated.

The Kerensky government proved to be as irresolute and vacillating as that of Czar Nicholas II. Lenin took advantage of this and conducted a propaganda campaign in the principal cities of Russia, calling for the establishment of a socialist state after the pattern outlined by Karl Marx. In the midst of all this national unrest, Lenin engineered a second revolt, which occurred on November 7, 1917.*

Historians as a general rule state that the empire was terminated November 7, 1917, with Lenin's rise to power. There is some ground, however, to suppose that it actually was concluded on March 15 the same year with the abdication of the czar.

Plagued with enormous economic and social problems, Lenin did not fulfill his promise to the German high command, to terminate hostilities on the eastern front, until March 3, 1918. At that time his political party, the Bolsheviks, signed a separate peace treaty with the Central Powers and drew out of the war entirely.

Meanwhile, Lenin directed the preparation of a constitution for the Soviet Union. It applied only to the Russian Soviet Federal Socialist Republic (R.S.F.S.R.), was completely im-

*The old Russian calendar was about two weeks behind the Gregorian calendar followed in the rest of the world. The Russians still refer to this November 7 episode as "the October Revolution."

practical, and was shortly withdrawn. A new constitution was drafted in December, 1922, after Lenin had reversed himself so far as economic ideas were concerned; his "new economic policy," which permitted a limited amount of private enterprise and profit making, made possible the survival of what was left of the Russian economy after the debacle of the 1918 effort. But the constitution was unsatisfactory, and it was scrapped, to be replaced by the first "all union" constitution, which came into being in 1923.

After Stalin came to power, the constitution was again largely rewritten. The new (and present) form was adopted in 1936. It has been amended many times, but in essence it continues today to be the central document of the Soviet political system.*

It is this 1936 constitution, as amended, that will receive our attention. It is written in the language of the Union Republics. The English translation used here has been made available through the Foreign Language Publishing House in Moscow and dates from 1957, with amendments through 1958.

The drafters of the constitution, Lenin, Stalin, and their co-workers, sought to prepare a document of law which would embody the theories of Karl Marx as set forth in his principal writings. In form, the Russian document is divided into thirteen chapters and 146 articles. Most of the articles contain only a single paragraph, although there are a few having more than one. The opening phrase, which is also the concluding phrase of Marx's Communist Manifesto, is "Workers of all countries, unite!"

The division of the constitution into chapters is an effort on the part of the authors to gather compatible material into sections for ready reference. The chapter headings are as follows:

*On April 24, 1962, Nikita Khrushchev announced that he has authorized writing a new constitution for the Soviet Union, but the observer can expect few if any substantial revisions.

1. The Social Structure
2. The State Structure
3. The Higher Organs of State Power in the Union of Soviet Socialist Republics
4. The Higher Organs of State Power in the Union Republics
5. The Organs of State Administration of the Union of Soviet Socialist Republics
6. The Organs of State Administration of the Union Republics
7. The Higher Organs of State Power in the Autonomous Soviet Socialist Republics
8. The Local Organs of State Power
9. The Courts and the Procurator's Office
10. Fundamental Rights and Duties of Citizens
11. The Electoral System
12. Arms, Flag, Capital
13. Procedure for Amending the Constitution

Properly speaking, there should also be a chapter which deals with the Communist Party, since it is the dominant factor in the Russian system. Although this is omitted from the official document, a section will be included in this study, in place of an officially worded statement from the Russian government, which will set forth the workings of this political party.

*The Constitution of
the Union of Soviet
Socialist Republics*

(With Explanatory Remarks)

CHAPTER I

The Social Structure

ARTICLE 1: The Union of Soviet Socialist Republics is a socialist state of workers and peasants.

ARTICLE 2: The political foundation of the U.S.S.R. is the Soviets of Working People's Deputies, which grew and became strong as a result of the overthrow of the power of the landlords and capitalists and the conquest of the dictatorship of the proletariat.

ARTICLE 3: All power in the U.S.S.R. belongs to the working people of town and country as represented by the Soviets of Working People's Deputies.

The term "soviet" is an important word in these articles and in the entire constitution of the Russians. It has a unique meaning, but for our better understanding of it we may use the word "group" as a possible synonym. This provides one of the basic keys for our understanding.

The entire Russian system is a system of political *groups*. This nation is *totally* organized along political lines. Individuals, as much as possible, have been ruled out of the Russian equation. In Russia you are a member of a group, possibly of more than one group, or you have virtually no existence.

There is no such thing as a "non-political" group. All groups, or all soviets, are geared into the governmental machinery. This will be covered in greater detail later.

In the first three articles we discover what we have to deal with. We are dealing with *total* political activity. And we are dealing on an organized group basis.

"Power" is another key word. The entire objective of the Russian government is an effort to mesh all groups into an active political structure which will have a monopoly of power.

There are visible three classes of persons at the outset. The workers form one class; the peasants form a second class; the professional politician revealed in Article 3, forms the third class. Power is supposed to reside in the organized groups of workers and peasants, but the power is confided to the professional "pols" who (in theory, at least) are to act for the workers and peasants. In theory, there are no landlords and no capitalists. The so-called "classless" society of Russia is composed of three classes, as outlined.

ARTICLE 4: The economic foundation of the U.S.S.R. is the socialist system of economy and the socialist ownership of the instruments and means of production, firmly established as a result of the liquidation of the capitalist system of economy, the abolition of private ownership of the instruments and means of production, and the elimination of the exploitation of man by man.

This is a most meaningful article. It proclaims the base of the Russian economy as being socialistic in character. Its full meaning will be more completely grasped as we proceed. It is important, however, to establish here the socialist concept that "exploitation of man by man" has been eliminated.

Exploitation, we will discover, relates to employment. And Russia has eliminated (or, more properly, attempted to eliminate) the private person as an employer. The government is the only (legally recognized) employer. Hence, to be precise, we would say that in eliminating "exploitation of man by man," Russia has supplanted this with exploitation of man by the state. This follows, as the only legal employer in Russia is the state.

To the socialist, this is a highly desirable condition of affairs. He does not want to be hired by private persons, as he distrusts private persons. But he does want to be employed by the state, which he does trust. Thus few doctrinaire socialists would say that the state can exploit; they would argue that when the state employs, exploitation ceases.

The history of Russian economic development demonstrates conclusively the opposite. There is, in fact, nothing quite so skillful as an exploiter of humanity as the state.

ARTICLE 5: Socialist property in the U.S.S.R. exists either in the form of state property (belonging to the whole people) or in the form of co-operative and collective-farm property (property of collective farms, property of co-operative societies).

ARTICLE 6: The land, its mineral wealth, waters, forests, mills, factories, mines, rail, water and air transport, banks, communications, large state-organized agricultural enterprises (state farms, machine and tractor stations and the like), as well as municipal enterprises and the bulk of the dwelling-houses in the cities and industrial localities, are state property, that is, belong to the whole people.

These two articles set the stage for the economic system of Russia. Private ownership of property has, in theory, been eliminated and replaced with two types of collectively owned property. Class I property is "state" property. It belongs to the government totally. The government is supposed to "represent" all the people. It is therefore argued that the people are the real owners.

Actually, the people do *not* own any of the state property. This is socialist property, definitely managed and controlled by the commissars, and from which any and all individuals can be banned. This type of property is the same as federally owned property in the United States. The difference here is merely in the extent of governmental ownership. In the United States the federal government owns much of the forest lands, some mining lands, and all military establishments, national parks and playgrounds, highways, and so on. The concept is identical to that of Russia. The federal government claims to "represent" everyone, and therefore, in theory, everyone "owns" all of these properties, with the state merely acting for all the people.

Factually, no state can act for *all* the people, either in the United States or in the U.S.S.R. Therefore, in both nations, Class I property would be socialist property. It is land which has been taken out of or withheld from private ownership and is managed and controlled by the state for the alleged "good" of everyone.

Class II property, as the Russian Constitution sets it forth, is co-operative or collective property owned by groups (soviets) within the national boundaries. To find a kind of property in the United

States which would correspond to this Russian Class II property, we would not have to look far. This would be the kind of property owned in this country by our states, our counties or our cities, or by our school boards. These are collective ownership groups within the national framework. These groups own property in much the same way the Russian collective farms or co-operative societies own property.

In both nations, private ownership is banned at this point. The theory would be that *local* taxpayers (in the United States) would own this kind of collective property, whereas federal property would be owned by *all* the taxpayers. In fact, however, all of this kind of property is removed from ownership. Control is vested in either national or local governmental units. The taxpayers may have paid for the property, but in no sense can they control it, sell it, earn income from it, or otherwise dispose of it. It is socialist property, in the United States as well as in the U.S.S.R.

The difference in Russia is that the constitution has abolished the pretense of private ownership deliberately. There, it is assumed that the state, by right, controls everything. In theory, the state acts for all the people. But the people in Russia have not been taxed to pay for all this property. On the contrary, the Russian government pays for everything and the Russian people work for the government.

This is made possible by the original act of brigandage back in 1917, when the Russian government plundered the whole nation, killed or banished most of the property owners, and appropriated all property. From that day forward, the Russian system has been sharply different from that in the West in this regard.

Another important factor to be observed here relates to what we would call "personal property." Articles 5 and 6 of the Russian Constitution specifically refer to real estate and appurtenances thereto. Nothing is said of automobiles, radio or television sets, clothing, items of furniture, and so on.

ARTICLE 7: The common enterprises of collective farms and co-operative organizations, with their live-stock and implements, the products of the collective farms and co-operative organizations, as well as their common buildings, constitute the com-

mon, socialist property of the collective farms and co-operative organizations.

Every household is a collective farm, in addition to its basic income from the common collective-farm enterprise, has for its personal use a small plot of household land and, as its personal property, a subsidiary husbandry on the plot, a dwelling-house, live-stock, poultry and minor agricultural implements—in accordance with the rules of the agricultural *artel*.

ARTICLE 8: The land occupied by collective farms is secured to them for their use free of charge and for an unlimited time, that is, in perpetuity.

Beginning with Article 7 of Chapter I of the Russian Constitution and continuing through Article 10 is charted what amounts to a major retreat of the socialist ideologists. When, in the October Revolution of 1917, the entire Marxian system of socialist control and regimentation was instituted, economic and social conditions worsened so rapidly and poverty was enlarged so totally that Lenin had to reverse his policy—which he did in 1921.

In order to rectify the production decline and meet the threat of universal starvation, Lenin introduced the "New Economic Policy," which provided for a modicum of private ownership. The present constitution contains certain provisions which run counter to the general theme of socialism and establish a base for private ownership, not only of personal property but of productive property (tools).

Thus we see that Article 7 sets forth a third class of property . . . that which can be privately controlled and managed within the group property area. Nothing is said here to establish *private ownership*; but the wording of the second paragraph of the article makes it clear that persons who are members of farm collectives, or similar organizations, are able to obtain for their *personal use* certain items of property, including the tools of production. Title may not be established, but *use* is a splendid substitute and contains the element of personal control. And the extent of this control is discernible in Article 8.

Thus, putting Articles 7 and 8 together, we see that members

of collective farms may have *personal use* of dwelling houses, live-stock, poultry, and agricultural implements in perpetuity. This is close enough to ownership to qualify.

ARTICLE 9: Alongside the socialist system of economy, which is the predominant form of economy in the U.S.S.R., the law permits the small private economy of individual peasants and handicraftsmen based on their own labour and precluding the exploitation of the labour of others.

ARTICLE 10: The personal property right of citizens in their incomes and savings from work, in their dwelling-houses and subsidiary husbandries, in articles of domestic economy and use and articles of personal use and convenience, as well as the right of citizens to inherit personal property, is protected by law.

These two articles lay the base for emerging capitalism in Russia.

Although emphasis is made on the *small* private economy, and the banning of "exploitation of the labor of others" (this prohibits the entrepreneur from hiring help and makes the government the only legal employer—"exploiter"), it is this area of the Russian economy which has always flourished and which has kept the Russian people from total starvation and poverty. With each advancing year, the area of private enterprise in Russia grows a little larger and the area of total socialist controls weakens a trifle, but perceptibly.

Russia has *four* classes of property. Class I and II were described in Articles 5 and 6. Class III is a type of *use* of property on collective farms which provides for total private control in perpetuity.

Class IV property is set forth in Articles 9 and 10. In all respects, this is private property and private capitalism employed within narrow limits (even off the collective farms), but otherwise exactly as we have it in the United States.

Indeed, the only major difference here is one of degree. In Russia the area of private ownership is very small. But it is growing. In the United States the area of private ownership is large; but it is shrinking under repeated blows delivered by our various governmental agencies, which are moving more and more into socialist practices.

ARTICLE 11: The economic life of the U.S.S.R. is determined and directed by the state national-economic plan, with the aim of increasing the public wealth, of steadily raising the material and cultural standards of the working people, of consolidating the independence of the U.S.S.R. and strengthening its defensive capacity.

ARTICLE 12: Work in the U.S.S.R. is a duty and a matter of honour for every able-bodied citizen, in accordance with the principle: "He who does not work, neither shall he eat."

The principle applied in the U.S.S.R. is that of socialism: "From each according to his ability, to each according to his work."

One of the major problems we face in trying to understand communism in general, and the Russian brand of socialism and collectivism in particular, is the almost incomprehensible fear experienced by so many when we come to talk in this area of affairs. There can be no doubt that communism is a "radical" departure from "traditional property relationships," as Karl Marx expressed himself in the Communist Manifesto. And this radical departure has frightened many to the point of mental paralysis.

Actually, there need be no particular fear of the ideas themselves. What is terrifying is the way American politicians accept a great many of these communist ideas without ever bothering to learn the opposing arguments. This is the real problem.

There need be no worry about communism or socialism. Although these ideas were offered by the collectivists in the hopes that through them a better world would be created, the ideas are sophistries predicated upon a series of errors.

What makes this understanding difficult is the general tendency of so many to assume that the communist or the socialist is out to "destroy mankind" or to "wreck the world" or otherwise deliberately to injure the human race. Actually, the application of communism or socialism could do just that; but that is *not* the intent of the communist or the socialist. He does not want to hurt anyone. He honestly believes that world-wide socialism or communism would make things better for everyone. He believes this with such devotion that he will stop at nothing to bring it into reality. Arti-

cles 11 and 12 of Chapter I of the Russian Constitution set forth this fact rather well.

Here is the tragedy of Russia and the tragedy of the entire socialist-communist movement. There is a childlike faith visible in these two articles, which show that these people actually believe conditions will be better if everyone will work, if property will all be collectively owned, if everything will be done according to a common plan. How like our own schemers, zoners, planners, and fulminators in the U.S.A. The same fallacy is at work. The Russians, like us, want the world to be better, wealthier, happier for everyone. But they are totally unrealistic about the means. And so are we when we call on governments or other agencies of force to help us.

The nature of life being what it is, each human being *does* control his own energy. Common plans, centralized schemes, collectivized property, and so on depend on *force*. This is true in the United States and in the U.S.S.R.

It is always dreamed by the social and economic and political schemers that force will not be necessary. "Everyone will see the beauty of collectivism in time" is the sweet argument. But it is fallacious. Human beings are self-motivated and always self-seeking. Nor is this evil or a matter for remedy. Each of us will always act in whatever way he can in order to improve his own condition.

CHAPTER II

The State Structure

ARTICLE 13: The Union of Soviet Socialist Republics is a federal state, formed on the basis of a voluntary union of equal Soviet Socialist Republics, namely:

The Russian Soviet Federative Socialist Republic

The Ukrainian Soviet Socialist Republic

The Byelorussian Soviet Socialist Republic

The Uzbek Soviet Socialist Republic

The Kazakh Soviet Socialist Republic

The Georgian Soviet Socialist Republic

The Azerbaijan Soviet Socialist Republic

The Lithuanian Soviet Socialist Republic

The Moldavian Soviet Socialist Republic

The Latvian Soviet Socialist Republic

The Kirghiz Soviet Socialist Republic

The Tajik Soviet Socialist Republic

The Armenian Soviet Socialist Republic

The Turkmen Soviet Socialist Republic

The Estonian Soviet Socialist Republic

Like all other constitutions in existence, the Russian document is an instrument of power. Its purpose is to set forth a working formula whereby a group of men within the state can exercise authority and power over all others.

The similarity between the Russian Constitution and its American counterpart is marked and will become strikingly apparent. This is so because, in both cases, a "republican" form of government prevails. Not only are both governments republican in character; both are federated republics and both employ the democratic process upon which they fully rely.

The word "voluntary" in the first sentence of Article 13 may certainly be questioned. But the intention is to show that a democratic determination by the people themselves has brought them into the Soviet Union. This was doubtless true in some cases.

The article goes on from that point to list the fifteen separate republics, which, compared to the various United States, occupy the same position as the so-called "sovereign states" in this nation.

ARTICLE 14: The jurisdiction of the Union of Soviet Socialist Republics, as represented by its higher organs of state power and organs of state administration, embraces:

- a)* Representation of the U.S.S.R. in international relations, conclusion, ratification and denunciation of treaties of the U.S.S.R. with other states, establishment of general procedure governing the relations of Union Republics with Foreign states;
- b)* Questions of war and peace;
- c)* Admission of new republics into the U.S.S.R.;
- d)* Control over the observance of the Constitution of the U.S.S.R., and ensuring conformity of the Constitutions of the Union Republics with the Constitution of the U.S.S.R.;
- e)* Confirmation of alterations of boundaries between Union Republics;
- f)* Confirmation of the formation of new Autonomous Republics and Autonomous Regions within Union Republics;
- g)* Organization of the defence of the U.S.S.R., direction of all the Armed Forces of the U.S.S.R., determination of directing principles governing the organization of the military formations of the Union Republics;
- h)* Foreign trade on the basis of state monopoly;
- i)* Safeguarding the security of the state;
- j)* Determination of the national-economic plans of the U.S.S.R.;
- k)* Approval of the consolidated state budget of the U.S.S.R. and of the report on its fulfilment; determination of the taxes and revenues which go to the Union, the Republican and the local budgets;

- l) Administration of the banks, industrial and agricultural institutions and enterprises and trading enterprises of all-Union jurisdiction; general guidance of industry and construction under Union-republican jurisdiction;
- m) Administration of transport and communications of all-Union importance;
- n) Direction of the monetary and credit system;
- o) Organization of state insurance;
- p) Contracting and granting of loans;
- q) Determination of the basic principles of land tenure and of the use of mineral wealth, forests and waters;
- r) Determination of the basic principles in the spheres of education and public health;
- s) Organization of a uniform system of national-economic statistics;
- t) Determination of the principles of labour legislation;
- u) Determination of the principles of legislation concerning the judicial system and judicial procedure and of the principles of criminal and civil codes;
- v) Legislation concerning Union citizenship; legislation concerning rights of foreigners;
- w) Determination of the principles of legislation concerning marriage and the family;
- x) Issuing of all-Union acts of amnesty.

Article 14 is one of the most important articles in the Russian Constitution. It corresponds, roughly, to Article I, Section 8, of the American Constitution, in that both set forth the powers of their respective governments.

In the American Constitution, Section 8 deals specifically with the powers of the Congress, because the United States has maintained the idea of three departments and a division of power. Elsewhere in that Constitution we can find sections that set forth the powers of the judiciary and the powers of the executive.

In the Russian Constitution, no comparable division of power is intended. The purpose of the Marxists who wrote the document was to centralize as much power as possible in the hands of a rul-

ing clique. This will be made clear when we get to Chapter III. The organization of the Russian document is slightly confusing at this point, for without explaining just who is to have power or how that power is to be obtained, Chapter II sets forth the extent of the power and leaves the questions unanswered until later.

The Russian chain of command travels down from the over-all Russian Constitution to the separate constitutions of the separate Union Republics (sovereign states) to autonomous "republics" or "regions" within each republic. These autonomous entities are comparable to cities or counties within the United States. A district or a city (either one) may be set up within a Union Republic with its own constitution patterned after the republic's constitution, which in turn uses the Russian Constitution as the master plan.

The first item in Article 14 should give us pause. It is noteworthy that the ratification *and the denunciation* of treaties are constitutionally provided. This is in sharp contrast to the American Constitution and should be considered in that light. The American Constitution proclaims that treaties become "the law of the land" and have equal force with the Constitution. In Russia, sovereignty is better protected because a treaty is considered to be only an international working agreement which may be abandoned without the slightest compunction.

It will be seen at once that Article 14 provides nothing which our own government does not have in the way of power. The principal difference is that the Russian document names these powers at the outset and proposes to exercise them in their central governmental operations. In the United States, many of these functions were added to the federal government since 1932 through the building of a giant bureaucracy within the executive branch of the government.

The actual physical operation, however, is virtually parallel. In Russia, too, a giant bureaucracy operates the governmental structure. Commissars, rather than "bureaucrats," hold the power and pull the wires.

ARTICLE 15: The sovereignty of the Union Republics is limited only in the spheres defined in Article 14 of the Constitution of the U.S.S.R. Outside of these spheres each Union Republic exercises state authority independently. The U.S.S.R. protects the sovereign rights of the Union Republics.

ARTICLE 16: Each Union Republic has its own Constitution, which takes account of the specific features of the Republic and is drawn up in full conformity with the Constitution of the U.S.S.R.

ARTICLE 17: The right freely to secede from the U.S.S.R. is reserved to every Union Republic.

Article 17 is the famous "omission" from the American Constitution. There is a tacit though unwritten belief, certainly among the southern states, that along with the ratification of the Constitution by the original thirteen colonies went the right of each colony to withdraw. The Civil War was fought over this issue, which entailed the secessionist concept. Whether Russia would go along with the stated policy of Article 17 is open to question. But it exists in writing, at least.

ARTICLE 18: The territory of a Union Republic may not be altered without its consent.

Article 18 deals only with the fact that no territory of a Union Republic may be changed without the consent of that territory. Implied is a democratic process of approval.

But this article has two subsections, 18a and 18b, which are significant.

ARTICLE 18a: Each Union Republic has the right to enter into direct relations with foreign states and to conclude agreements and exchange diplomatic and consular representatives with them.

It is on Article 18a, obviously inserted at a late date by amendment, that the Russians base their claim for at least fifteen seats in the United Nations. Thus far, the United Nations has not granted this claim and Russia is able to command only three seats.

The American Constitution specifically bans the states from entering into any kind of treaty or agreement with foreign powers. In practice, it is unlikely that any of the Russian republics would be able to get away with such a procedure. But the wording of this article, taken at face value, would indicate less centralized control than exists in the United States.

ARTICLE 18b: Each Union Republic has its own Republican military formations.

Article 18b makes it appear that a counterpart of the American National Guard exists in Russia, but in actual fact the U.S. National Guard is carefully delimited as to what functions it may perform. The impression is created here that each Union Republic in Russia may take independent action with foreign powers and may back up such action with military might.

Since Article 14, Subparagraph *a*, makes it clear that the Soviet government itself will handle international treaties and agreements, it would follow that any individual agreement made by a Union Republic with a foreign power would have to be in conformity with the federal republic's declared position. But taken out of context, the Russian Constitution's Articles 18*a* and 18*b* appear to be most liberal and lenient. Actually, they are meaningless.

Our own view is that in these two additions to Article 18, we see the Russians very handily using their constitution for propaganda purposes. There are other instances throughout where the same conclusion is almost inevitable. We are wholly disinclined to believe in the sincerity of these two subarticles. One of the reasons relates to the ensuing Articles 19, 20, and 21.

ARTICLE 19: The laws of the U.S.S.R. have the same force within the territory of every Union Republic.

ARTICLE 20: In the event of divergence between a law of a Union Republic and a law of the Union, the Union law prevails.

ARTICLE 21: Uniform Union citizenship is established for citizens of the U.S.S.R.

Every citizen of a Union Republic is a citizen of the U.S.S.R.

ARTICLE 22: Constituent parts of the Russian Soviet Federative Socialist Republic are the Bashkirian, Buryat-Mongolian, Daghestan, Kabardinian-Balkar, Kalmyk, Karelian, Komi, Mari, Mordovian, North Ossetian, Tatar, Udmurt, Checheno-Ingush, Chuvash and Yakut Autonomous Soviet Socialist Republics; and the Adygei, Gorny Altai, Jewish, Karachayevo-Cherkess, Tuva and Khakass Autonomous Regions.

ARTICLE 23: Repealed.

No trace of Article 23 exists in the present edition of the constitution. This introduces a practice in Russia which is not followed in the United States. For example, the 18th Amendment has been repealed, but any copy of the Constitution of the United States, together with amendments, will still show the 18th Amendment as written plus the 21st Amendment, which repealed it.

ARTICLE 24: The Azerbaijan Soviet Socialist Republic includes the Nakhichevan Autonomous Soviet Socialist Republic and the Nagorny Karbakh Autonomous Region.

ARTICLE 25: The Georgian Soviet Socialist Republic includes the Abkhazian and Ajarian Autonomous Soviet Socialist Republics and the South Ossetian Autonomous Region.

ARTICLE 26: The Uzbek Soviet Socialist Republic includes the Kara-Kalpak Autonomous Soviet Socialist Republic.

ARTICLE 27: The Tajik Soviet Socialist Republic includes the Gorny Badakhshan Autonomous Region.

ARTICLE 28: The solution of problems pertaining to the administrative-territorial structure of the regions and territories of the Union Republics comes within the jurisdiction of the Union Republics.

ARTICLE 29: Repealed.

CHAPTER III

The Higher Organs of State Power in the Union of Soviet Socialist Republics

Chapter II of the Russian Constitution is called "The State Structure." The title is a little misleading, since that particular chapter actually catalogues the powers reserved to the state without specifically describing the state structure.

In Russia, every effort is made to secure conformity to matters of government. The state structure makes this conclusion obvious.

Chapter III, properly, should be a second section in Chapter II, for here the omissions of Chapter II are filled in. This particular listing of articles is entitled "The Higher Organs of State Power in the Union of Soviet Socialist Republics." Most of these articles are self-explanatory.

ARTICLE 30: The highest organ of state power in the U.S.S.R. is the Supreme Soviet of the U.S.S.R.

ARTICLE 31: The Supreme Soviet of the U.S.S.R. exercises all rights vested in the Union of Soviet Socialist Republics in accordance with Article 14 of the Constitution, in so far as they do not, by virtue of the Constitution, come within the jurisdiction of organs of the U.S.S.R. that are accountable to the Supreme Soviet of the U.S.S.R., that is, the Presidium of the Supreme Soviet of the U.S.S.R., the Council of Ministers of the U.S.S.R., and the Ministries of the U.S.S.R.

Here in the Russian Constitution we meet the same sort of division of sovereignty which characterizes the American form of constitutional government. Certain functions, the majority of them, are reserved to the Presidium, mentioned in Article 31. Other func-

tions are reserved to the Council of Ministers of the U.S.S.R. and the Ministries of the U.S.S.R.

The Presidium is the dominant body. It corresponds roughly to the executive branch of the American government.

Not until we get to Chapter V will we be able to discuss the Council of Ministers and the Ministries of the U.S.S.R. The present chapter confines itself to the Supreme Soviet of the U.S.S.R., which includes the Presidium.

ARTICLE 32: The legislative power of the U.S.S.R. is exercised exclusively by the Supreme Soviet of the U.S.S.R.

ARTICLE 33: The Supreme Soviet of the U.S.S.R. consists of two Chambers: the Soviet of the Union and the Soviet of Nationalities.

The Supreme Soviet of Russia contains a total of three bodies. It combines the function of executive and legislative procedures, has adopted two houses after the American and the British system (which in turn was patterned after the Roman Senate and Assembly), and includes the executive function.

ARTICLE 34: The Soviet of the Union is elected by the citizens of the U.S.S.R. voting by election districts on the basis of one deputy for every 300,000 of the population.

This method of electing deputies to the Soviet of the Union causes this legislative body to parallel the American House of Representatives.

ARTICLE 35: The Soviet of Nationalities is elected by the citizens of the U.S.S.R. voting by Union Republics, Autonomous Republics, Autonomous Regions, and National Areas on the basis of 25 deputies from each Union Republic, 11 deputies from each Autonomous Republic, 5 deputies from each Autonomous Region and one Deputy from each National Area.

But the Soviet of Nationalities does *not* correspond to the American Senate. Actually, this method of providing deputies is a variation of the former method and makes this a second House of Representatives, even more numerous than the other body.

If the Russians think of these two legislative chambers as an "upper" and a "lower" house, as we do in this country, it would follow that the Soviet of the Union is the "upper" and the Soviet of Nationalities is the "lower" house. Still, both are so broadly based and both so numerous that neither qualifies as a true "upper" house in the manner of the House of Lords, the American Senate, or other comparable bodies.

ARTICLE 36: The Supreme Soviet of the U.S.S.R. is elected for a term of four years.

ARTICLE 37: The two Chambers of the Supreme Soviet of the U.S.S.R., the Soviet of the Union and the Soviet of Nationalities, have equal rights.

ARTICLE 38: The Soviet of the Union and the Soviet of Nationalities have equal powers to initiate legislation.

ARTICLE 39: A law is considered adopted if passed by both Chambers of the Supreme Soviet of the U.S.S.R. by a simple majority vote in each.

ARTICLE 40: Laws passed by the Supreme Soviet of the U.S.S.R. are published in the languages of the Union Republics over the signatures of the President and Secretary of the Presidium of the Supreme Soviet of the U.S.S.R.

ARTICLE 41: Sessions of the Soviet of the Union and of the Soviet of Nationalities begin and terminate simultaneously.

ARTICLE 42: The Soviet of the Union elects a Chairman of the Soviet of the Union and four Vice-Chairmen.

ARTICLE 43: The Soviet of Nationalities elects a Chairman of the Soviet of Nationalities and four Vice-Chairmen.

ARTICLE 44: The Chairmen of the Soviet of the Union and the Soviet of Nationalities preside at the sittings of the respective Chambers and have charge of the conduct of their business and proceedings.

ARTICLE 45: Joint sittings of the two Chambers of the Supreme Soviet of the U.S.S.R. are presided over alternately by the Chairman of the Soviet of the Union and the Chairman of the Soviet of Nationalities.

Articles 36–45, as well as others considered previously, make it plain that the Russian government has in reality two Houses of Representatives instead of an upper and a lower house.

ARTICLE 46: Sessions of the Supreme Soviet of the U.S.S.R. are convened by the Presidium of the Supreme Soviet of the U.S.S.R. twice a year.

Extraordinary sessions are convened by the Presidium of the Supreme Soviet of the U.S.S.R. at its discretion or on the demand of one of the Union Republics.

The two statements in Article 46 show the close relationship between the Presidium and the legislative bodies. In essence, the legislative bodies hold themselves ready at the call of the Presidium and can anticipate at least two sessions annually.

ARTICLE 47: In the event of disagreement between the Soviet of the Union and the Soviet of Nationalities, the question is referred for settlement to a conciliation commission formed by the Chambers on a parity basis. If the conciliation commission fails to arrive at an agreement or if its decision fails to satisfy one of the Chambers, the question is considered for a second time by the Chambers. Failing agreement between the two Chambers, the Presidium of the Supreme Soviet of the U.S.S.R. dissolves the Supreme Soviet of the U.S.S.R. and orders new elections.

This type of provision exists in most governments, although it is absent from the American Constitution. Basic disagreements between lawmakers have dissolved governments in nearly every land. The Russian Constitution has sought to minimize such disagreements as much as possible by making the legislative chambers virtual duplications of each other. Nevertheless, as the constitution stands, a failure to find agreement on a given issue would cause the Presidium to oust all deputies and hold new elections.

ARTICLE 48: The Supreme Soviet of the U.S.S.R. at a joint meeting of the two Chambers elects the Presidium of the Supreme Soviet of the U.S.S.R., consisting of a President of the

Presidium of the Supreme Soviet of the U.S.S.R., fifteen Vice-Presidents—one for each Union Republic—a Secretary of the Presidium and sixteen members of the Presidium of the Supreme Soviet of the U.S.S.R.

The Presidium of the Supreme Soviet of the U.S.S.R. is accountable to the Supreme Soviet of the U.S.S.R. for all its activities.

ARTICLE 49: The Presidium of the Supreme Soviet of the U.S.S.R.:

- a) Convenes the sessions of the Supreme Soviet of the U.S.S.R.;
- b) Issues decrees;
- c) Gives interpretations of the laws of the U.S.S.R. in operation;
- d) Dissolves the Supreme Soviet of the U.S.S.R. in conformity with Article 47 of the Constitution of the U.S.S.R. and orders new elections;
- e) Conducts nation-wide polls (referendums) on its own initiative or on the demand of one of the Union Republics;
- f) Annuls decisions and orders of the Council of Ministers of the U.S.S.R. and of the Councils of Ministers of the Union Republics if they do not conform to law;
- g) In the intervals between sessions of the Supreme Soviet of the U.S.S.R., releases and appoints Ministers of the U.S.S.R. on the recommendation of the Chairman of the Council of Ministers of the U.S.S.R., subject to subsequent confirmation by the Supreme Soviet of the U.S.S.R.;
- h) Institutes decorations (Orders and Medals) and titles of honour of the U.S.S.R.;
- i) Awards Orders and Medals and confers titles of honour of the U.S.S.R.;
- j) Exercises the right of pardon;
- k) Institutes military titles, diplomatic ranks and other special titles;

- l) Appoints and removes the high command of the Armed Forces of the U.S.S.R.;
- m) In the intervals between sessions of the Supreme Soviet of the U.S.S.R., proclaims a state of war in the event of military attack on the U.S.S.R., or when necessary to fulfil international treaty obligations concerning mutual defence against aggression;
- n) Orders general or partial mobilization;
- o) Ratifies and denounces international treaties of the U.S.S.R.;
- p) Appoints and recalls plenipotentiary representatives of the U.S.S.R. to foreign states;
- q) Receives the letters of credence and recall of diplomatic representatives accredited to it by foreign states;
- r) Proclaims martial law in separate localities or throughout the U.S.S.R. in the interests of the defence of the U.S.S.R. or of the maintenance of public order and the security of the state.

Twenty-four listed powers appear in Article 14 of Chapter II relating to the total power of the Supreme Soviet. Article 49 of Chapter III lists eighteen powers adhering specifically to the Presidium of the Supreme Soviet.

Students of government will be quick to note how much of the executive, legislative, and judicial function finally comes into the hands of this committee (soviet) at the top of the Russian state structure. One of the characteristics of the American form of government is its conscious division of powers. The division of powers in the Soviet form is clearly a division separating upper and lower echelons, rather than a vertical division like the American one. Bear in mind that the Supreme Soviet administers virtually everything until we get down to the Council of Ministers or the Ministries of the Soviet Union.

The Presidium has virtually total power. The most powerful figure in the Supreme Soviet is able to exercise dictatorial sway over the entire nation.

The Presidium contains thirty-three men: a president, a secretary, sixteen vice-presidents, and fifteen members at large. The

president has little more power than any of the other members of the Presidium. Actually, the secretary would be able to wield more influence than the president. Any man in the Presidium able to bring a majority into line with his thinking and his actions could (and would) dominate the entire Soviet Union.

The governmental structure thus virtually guarantees bloody intrigue at its summit and is doubtless responsible for much of the cloak-and-dagger work so often noted by observers.

The Supreme Soviet of Russia contains three bodies, the two legislative chambers and the Presidium. As nearly as we can determine on the basis of present populations, the legislative body called the Soviet of the Union contains approximately 660 deputies. The second legislative body, called the Soviet of Nationalities, would contain approximately the same number of deputies, if our information concerning Autonomous Republics and Autonomous Regions is up to date. This body of men, 1,378 strong as of 1958, elects the thirty-three-member Presidium.

All members of the Presidium are automatically deputies before they are elevated to this highest post. But it should be noted that the deputies elect the president and secretary of the Presidium as well as the vice-presidents and the members at large. This is not a chore done by the Presidium itself.

ARTICLE 50: The Soviet of the Union and the Soviet of Nationalities elect Credentials Committees to verify the credentials of the members of the respective Chambers.

On the report of the Credentials Committees, the Chambers decide whether to recognize the credentials of deputies or to annul their election.

ARTICLE 51: The Supreme Soviet of the U.S.S.R., when it deems necessary, appoints commissions of investigation and audit on any matter.

It is the duty of all institutions and officials to comply with the demands of such commissions and to submit to them all necessary materials and documents.

ARTICLE 52: A member of the Supreme Soviet of the U.S.S.R. may not be prosecuted or arrested without the consent

of the Supreme Soviet of the U.S.S.R., or, when the Supreme Soviet of the U.S.S.R. is not in session, without the consent of the Presidium of the Supreme Soviet of the U.S.S.R.

ARTICLE 53: On the expiration of the term of office of the Supreme Soviet of the U.S.S.R., or on its dissolution prior to the expiration of its term of office, the Presidium of the Supreme Soviet of the U.S.S.R. retains its powers until the newly-elected Supreme Soviet of the U.S.S.R. shall have formed a new Presidium of the Supreme Soviet of the U.S.S.R.

ARTICLE 54: On the expiration of the term of office of the Supreme Soviet of the U.S.S.R., or in the event of its dissolution prior to the expiration of its term of office, the Presidium of the Supreme Soviet of the U.S.S.R. orders new elections to be held within a period not exceeding two months from the date of expiration of the term of office or dissolution of the Supreme Soviet of the U.S.S.R.

ARTICLE 55: The newly-elected Supreme Soviet of the U.S.S.R. is convened by the outgoing Presidium of the Supreme Soviet of the U.S.S.R. not later than three months after the elections.

ARTICLE 56: The Supreme Soviet of the U.S.S.R., at a joint sitting of the two Chambers, appoints the Government of the U.S.S.R., namely, the Council of Ministers of the U.S.S.R.

Once these formalities have been carried through and a government is formed, the "government" thus appointed is the bureaucracy, or the commissars, the men who actually manage the departments and branches of the massive political structure.

The real workings of the Russian system now emerge. It is oligarchical in character, leading inevitably to the rise of the "strong man." This man is sometimes referred to as "premier" or "prime minister," although, in point of fact, no such title is provided in the constitution. The strong man is merely he who is able to get the Presidium behind him. Having once obtained this position of strength, it would be very difficult for a new man to oust the wielder of such power.

Theoretically, it could occur at four-year intervals. This would be true since *all* deputies are elected for four-year terms of office, and it is from the deputies that all members of the Presidium are chosen.

But since the Presidium has such enormous power, may issue its own decrees, enjoys diplomatic immunity, may appoint or discharge military leaders, may dissolve both chambers of deputies in the event of a disagreement, may institute national polls (elections) at its own discretion, may annul decisions coming from other branches of the government, may pardon, may interpret laws, may call for a general or partial mobilization, may ratify treaties or, indeed, do just about anything at all, there is small reason to suppose that an alert powerholder would be unseated.

In short, the Supreme Soviet, the Council of Ministers, the Ministries of the U.S.S.R., together are a massive rubber stamp for the man in power. Yet the head that wears the Russian crown must always be uneasy. He is sitting on a keg of political dynamite at every moment. He must understand force and wield it constantly, or be overthrown.

CHAPTER IV

The Higher Organs of State Power in the Union Republics

ARTICLE 57: The highest organ of state power in a Union Republic is the Supreme Soviet of the Union Republic.

ARTICLE 58: The Supreme Soviet of a Union Republic is elected by the citizens of the Republic for a term of four years.

The basis of representation is established by the Constitution of the Union Republic.

ARTICLE 59: The Supreme Soviet of a Union Republic is the sole legislative organ of the Republic.

ARTICLE 60: The Supreme Soviet of a Union Republic:

a) Adopts the Constitution of the Republic and amends it in conformity with Article 16 of the Constitution of the U.S.S.R.;

b) Confirms the Constitutions of the Autonomous Republics forming part of it and defines the boundaries of their territories;

c) Approves the national-economic plan and the budget of the Republic and forms economic administration areas;

d) Exercises the right of amnesty and pardon of citizens sentenced by the judicial organs of the Union Republic;

e) Decides questions of representation of the Union Republic in its international relations;

f) Determines the manner of organizing the Republic's military formations.

ARTICLE 61: The Supreme Soviet of a Union Republic elects the Presidium of the Supreme Soviet of the Union Republic,

consisting of a President of the Presidium of the Supreme Soviet of the Union Republic, Vice-Presidents, a Secretary of the Presidium and members of the Presidium of the Supreme Soviet of the Union Republic.

The powers of the Presidium of the Supreme Soviet of a Union Republic are defined by the Constitution of the Union Republic.

ARTICLE 62: The Supreme Soviet of a Union Republic elects a Chairman and a Vice-Chairman to conduct its sittings.

ARTICLE 63: The Supreme Soviet of a Union Republic appoints the Government of the Union Republic, namely, the Council of Ministers of the Union Republic.

Chapter IV is relatively of minor interest. It merely sets forth the republican nature of the Russian system. Each of the Union Republics, which is a part of the over-all Soviet system, has for itself a duplication of the Supreme Soviet confined to the boundaries of the Union Republic.

There are fifteen such Union Republics, which correspond to the states in the United States. Each of them has a constitution drawn on the same plan as the over-all Russian Constitution. Each has its own legislative body formed on the same plan. Each deputy to one of its legislative organizations is elected for a four-year term.

Each Union Republic constitution is merely a reflection of the central government and is subordinate to it in all respects. Chapter IV concludes by showing that each Union Republic appoints its own Council of Ministers, which establishes the bureaucracy (commissars) who will do the actual work of running the government.

CHAPTER V

The Organs of State Administration of the Union of Soviet Socialist Republics

The elaborate title given to this chapter is the name given to the functional bureaucracy, the Council of Ministers. Although the Council of Ministers is dignified by the term "executive" at several points, the entire body is held in check by the Presidium and the legislative bodies, whether at all-Union or at Union-Republic levels.

ARTICLE 64: The highest executive and administrative organ of the state power of the Union of Soviet Socialist Republics is the Council of Ministers of the U.S.S.R.

ARTICLE 65: The Council of Ministers of the U.S.S.R. is responsible and accountable to the Supreme Soviet of the U.S.S.R., or, in the intervals between sessions of the Supreme Soviet, to the Presidium of the Supreme Soviet of the U.S.S.R.

ARTICLE 66: The Council of Ministers of the U.S.S.R. issues decisions and orders on the basis and in pursuance of the laws in operation, and verifies their execution.

ARTICLE 67: Decisions and orders of the Council of Ministers of the U.S.S.R. are binding throughout the territory of the U.S.S.R.

ARTICLE 68: The Council of Ministers of the U.S.S.R.:

a) Co-ordinates and directs the work of the all-Union and Union-Republican Ministries of the U.S.S.R. and of other institutions under its jurisdiction, exercises guidance of the Eco-

nomic Councils of the economic administration areas through the Councils of Ministers of the Union Republics;

b) Adopts measures to carry out the national-economic plan and the state budget, and to strengthen the credit and monetary system;

It is in the Council of Ministers that the full weight of economic control of the Soviet Union is clearly established and maintained.

c) Adopts measures for the maintenance of public order, for the protection of the interests of the state, and for the safeguarding of the rights of citizens;

d) Exercises general guidance in the sphere of relations with foreign states;

e) Fixes the annual contingent of citizens to be called up for military service and directs the general organization of the Armed Forces of the country;

f) Sets up, whenever necessary, special Committees and Central Administrations under the Council of Ministers of the U.S.S.R. for economic and cultural affairs and defence.

ARTICLE 69: The Council of Ministers of the U.S.S.R. has the right, in respect of those branches of administration and economy which come within the jurisdiction of the U.S.S.R., to suspend decisions and orders of the Councils of Ministers of the Union Republics and of the Economic Councils of the economic administration areas and to annul orders and instructions of the Ministers of the U.S.S.R.

ARTICLE 70: The Council of Ministers of the U.S.S.R. is appointed by the Supreme Soviet of the U.S.S.R. and consists of:

The Chairman of the Council of Ministers of the U.S.S.R.;

The First Vice-Chairmen of the Council of Ministers of the U.S.S.R.;

The Vice-Chairmen of the Council of Ministers of the U.S.S.R.;

The Ministers of the U.S.S.R.;

The Chairman of the State Planning Committee of the Council of Ministers of the U.S.S.R.;

The Chairman of the Soviet Control Commission of the Council of Ministers of the U.S.S.R.;

The Chairman of the State Labor and Wages Committee of the Council of Ministers of the U.S.S.R.;

The Chairman of the State Scientific-Technical Committee of the Council of Ministers of the U.S.S.R.;

The Chairman of the State Committee of the Council of Ministers of the U.S.S.R. on Aircraft Technology;

The Chairman of the State Committee of the Council of Ministers of the U.S.S.R. on Defence Technology;

The Chairman of the State Committee of the Council of Ministers of the U.S.S.R. on Radioelectronics;

The Chairman of the State Committee of the Council of Ministers of the U.S.S.R. on Shipbuilding;

The Chairman of the State Committee of the Council of Ministers of the U.S.S.R. on Chemistry;

The Chairman of the State Committee of the Council of Ministers of the U.S.S.R. on Construction;

The Chairman of the State Committee of the Council of Ministers of the U.S.S.R. on Cereal Products;

The Chairman of the State Committee of the Council of Ministers of the U.S.S.R. on Foreign Economic Relations;

The Chairman of the State Security Committee under the Council of Ministers of the U.S.S.R.;

The Chairman of the Administrative Board of the State Bank of the U.S.S.R.;

The Chief of the Central Statistical Board under the Council of Ministers of the U.S.S.R.

The Chairmen of the Councils of Ministers of the Union Republics are *ex officio* members of the Council of Ministers of the U.S.S.R.

ARTICLE 71: The Government of the U.S.S.R. or a Minister

of the U.S.S.R. to whom a question of a member of the Supreme Soviet of the U.S.S.R. is addressed must give a verbal or written reply in the respective Chamber within a period not exceeding three days.

ARTICLE 72: The Ministers of the U.S.S.R. direct the branches of state administration which come within the jurisdiction of the U.S.S.R.

ARTICLE 73: The Ministers of the U.S.S.R., within the limits of the jurisdiction of their respective Ministries, issue orders and instructions on the basis and in pursuance of the laws in operation, and also of decisions and orders of the Council of Ministers of the U.S.S.R., and verify their execution.

ARTICLE 74: The Ministries of the U.S.S.R. are either all-Union or Union-Republican Ministries.

ARTICLE 75: Each all-Union Ministry directs the branch of state administration entrusted to it throughout the territory of the U.S.S.R. either directly or through bodies appointed by it.

ARTICLE 76: The Union-Republican Ministries, as a rule, direct the branches of state administration entrusted to them through corresponding Ministries of the Union Republics; they administer directly only a definite and limited number of enterprises according to a list confirmed by the Presidium of the Supreme Soviet of the U.S.S.R.

The balance of the chapter specifies the various ministries which are to be established. These correspond in detail, though not in number, to the branches of the American bureaucracy. In point of fact, in this regard the Russian system is less cumbersome and overlapping than the American.

ARTICLE 77: The following Ministries are all-Union Ministries:

The Ministry of the Aircraft Industry;

The Ministry of Foreign Trade;

The Ministry of Merchant Marine;

The Ministry of the Defence Industry;

The Ministry of Railways;
The Ministry of the Radio-Engineering Industry;
The Ministry of the Medium Machine-Building Industry;
The Ministry of Shipbuilding;
The Ministry of Transport Construction;
The Ministry of the Chemical Industry;
The Ministry of Electric Power Stations.

ARTICLE 78: The following Ministries are Union-Republican Ministries:

The Ministry of Internal Affairs;
The Ministry of Higher Education;
The Ministry of Geological Survey and Conservation of Mineral Resources;
The Ministry of State Control;
The Ministry of Public Health;
The Ministry of Foreign Affairs;
The Ministry of Culture;
The Ministry of Defence;
The Ministry of Communications;
The Ministry of Agriculture;
The Ministry of State Farms;
The Ministry of Trade;
The Ministry of Finance;
The Ministry of Grain Stocks.

CHAPTER VI

The Organs of State Administration of the Union Republics

This chapter deals with the power structure of the Russian bureaucracy. A simple reading reveals the character of the Russian government. It is in the Council of Ministers at various levels that the actual implementation of law occurs. The ministers are the men who make the political wheels go round.

ARTICLE 79: The highest executive and administrative organ of the state power of a Union Republic is the Council of Ministers of the Union Republic.

ARTICLE 80: The Council of Ministers of a Union Republic is responsible and accountable to the Supreme Soviet of the Union Republic, or, in the intervals between sessions of the Supreme Soviet of the Union Republic, to the Presidium of the Supreme Soviet of the Union Republic.

ARTICLE 81: The Council of Ministers of a Union Republic issues decisions and orders on the basis and in pursuance of the laws in operation of the U.S.S.R. and of the Union Republic, and of the decisions and orders of the Council of Ministers of the U.S.S.R., and verifies their execution.

ARTICLE 82: The Council of Ministers of a Union Republic has the right to suspend decisions and orders of the Councils of Ministers of its Autonomous Republics, and to annul decisions and orders of the Executive Committees of the Soviets of Working People's Deputies of its Territories, Regions and

Autonomous Regions, as well as decisions and orders of the Economic Councils of the economic administration areas.

ARTICLE 83: The Council of Ministers of a Union Republic is appointed by the Supreme Soviet of the Union Republic and consists of:

The Chairman of the Council of Ministers of the Union Republic;

The First Vice-Chairmen of the Council of Ministers;

The Vice-Chairmen of the Council of Ministers;

The Ministers;

The Chairman of the State Planning Commission;

The Chairman of the State Committee of the Council of Ministers of the Union Republic on Construction and Architecture;

The Chairman of the State Security Committee under the Council of Ministers of the Union Republic.

ARTICLE 84: The Ministers of a Union Republic direct the branches of state administration which come within the jurisdiction of the Union Republic.

ARTICLE 85: The Ministers of a Union Republic, within the limits of the jurisdiction of their respective Ministries, issue orders and instructions on the basis and in pursuance of the laws of the U.S.S.R. and of the Union Republic, of the decisions and orders of the Council of Ministers of the U.S.S.R. and the Council of Ministers of the Union Republic, and of the orders and instructions of the Union-Republican Ministries of the U.S.S.R.

ARTICLE 86: The Ministries of a Union Republic are either Union-Republican or Republican Ministries.

ARTICLE 87: Each Union-Republican Ministry directs the branch of state administration entrusted to it, and is subordinate both to the Council of Ministers of the Union Republic and to the corresponding Union-Republican Ministry of the U.S.S.R.

ARTICLE 88: Each Republican Ministry directs the branch of state administration entrusted to it and is directly subordinate to the Council of Ministers of the Union Republic.

ARTICLE 88a: The Economic Councils of the economic administration areas direct the branches of economic activity entrusted to them, and are directly subordinate to the Council of Ministers of the Union Republic.

The Economic Councils of the economic administration areas issue within their jurisdiction decisions and orders on the basis and in pursuance of the laws of the U.S.S.R. and the Union Republic and decisions and orders of the Council of Ministers of the U.S.S.R. and the Council of Ministers of the Union Republic.

Article 88a reveals clearly the nature of the Russian planned economy. Economic decisions in Russia may never be made by private persons, save in very meager ways. The central planning of socialism is illustrated here.

It would be obvious to most economists that central planning of this magnitude would reduce any economy to mere basics. The freedom of individual men to contrive and to produce as they themselves view a potential market is not encouraged. A monolithic system of production and distribution, but stringently limited in diversity, is the inevitable result.

CHAPTER VII

The Higher Organs of State Power in the Autonomous Soviet Socialist Republics

ARTICLE 89: The highest organ of state power in an Autonomous Republic is the Supreme Soviet of the Autonomous Republic.

ARTICLE 90: The Supreme Soviet of an Autonomous Republic is elected by the citizens of the Republic for a term of four years on a basis of representation established by the Constitution of the Autonomous Republic.

ARTICLE 91: The Supreme Soviet of an Autonomous Republic is the sole legislative organ of the Autonomous Republic.

ARTICLE 92: Each Autonomous Republic has its own Constitution, which takes account of the specific features of the Autonomous Republic and is drawn up in full conformity with the Constitution of the Union Republic.

ARTICLE 93: The Supreme Soviet of an Autonomous Republic elects the Presidium of the Supreme Soviet of the Autonomous Republic and appoints the Council of Ministers of the Autonomous Republic, in accordance with its Constitution.

Russian triangulation in government once more repeats. The Supreme Soviet is the capstone on each triangle, itself a smaller triangle. Power flows from the top down. Minor pinnacles of power are dwarfed by higher pinnacles until the apex is reached in the Supreme Soviet of the All-Union Republic.

CHAPTER VIII

The Local Organs of State Power

The same outline of power exists in each area of soviet government, with an over-all effect of a massive pyramid. In Chapter VIII we see the ultimate of this pyramidal structure, the base on which the entire government rests. This is called the Soviets of Working People's Deputies and consists of groups of deputies elected by the residents of the smallest district.

ARTICLE 94: The organs of state power in Territories, Regions, Autonomous Regions, Areas, Districts, cities and rural localities (stanitsas, villages, hamlets, kishlaks, auls) are the Soviets of Working People's Deputies.

ARTICLE 95: The Soviets of Working People's Deputies of Territories, Regions, Autonomous Regions, Areas, Districts, cities and rural localities (stanitsas, villages, hamlets, kishlaks, auls) are elected by the working people of the respective Territories, Regions, Autonomous Regions, Areas, Districts, cities and rural localities for a term of two years.

ARTICLE 96: The basis of representation for Soviets of Working People's Deputies is determined by the Constitutions of the Union Republics.

ARTICLE 97: The Soviets of Working People's Deputies direct the work of the organs of administration subordinate to them, ensure the maintenance of public order, the observance of the laws and the protection of the rights of citizens, direct local economic and cultural affairs and draw up the local budgets.

ARTICLE 98: The Soviets of Working People's Deputies adopt decisions and issue orders within the limits of the powers

vested in them by the laws of the U.S.S.R. and of the Union Republic.

ARTICLE 99: The executive and administrative organ of the Soviet of Working People's Deputies of a Territory, Region, Autonomous Region, Area, District, city or rural locality is the Executive Committee elected by it, consisting of a Chairman, Vice-Chairmen, a Secretary and members.

ARTICLE 100: The executive and administrative organ of the Soviet of Working People's Deputies in a small locality, in accordance with the Constitution of the Union Republic, is the Chairman, the Vice-Chairman and the Secretary elected by the Soviet of Working People's Deputies.

ARTICLE 101: The executive organs of the Soviets of Working People's Deputies are directly accountable both to the Soviets of Working People's Deputies which elected them and to the executive organ of the superior Soviet of Working People's Deputies.

CHAPTER IX

The Courts and the Procurator's Office

ARTICLE 102: In the U.S.S.R. justice is administered by the Supreme Court of the U.S.S.R., the Supreme Courts of the Union Republics, the Courts of the Territories, Regions, Autonomous Republics, Autonomous Regions and Areas, the Special Courts of the U.S.S.R. established by decision of the Supreme Soviet of the U.S.S.R., and the People's Courts.

ARTICLE 103: In all Courts cases are tried with the participation of people's assessors, except in cases specially provided for by law.

ARTICLE 104: The Supreme Court of the U.S.S.R. is the highest judicial organ. The Supreme Court of the U.S.S.R. is charged with the supervision of the judicial activities of all the judicial organs of the U.S.S.R. and of the Union Republic within the limits established by law.

The Supreme Court in Russia is a supervisory court which sets the policies to be followed by lower courts.

ARTICLE 105: The Supreme Court of the U.S.S.R. is elected by the Supreme Soviet of the U.S.S.R. for a term of five years.

The Supreme Court of the U.S.S.R. includes the Chairmen of the Supreme Courts of the Union Republics by virtue of their office.

ARTICLE 106: The Supreme Courts of the Union Republics are elected by the Supreme Soviets of the Union Republics for a term of five years.

ARTICLE 107: The Supreme Courts of the Autonomous

Republics are elected by the Supreme Soviets of the Autonomous Republics for a term of five years.

ARTICLE 108: The Courts of Territories, Regions, Autonomous Regions and Areas are elected by the Soviets of Working People's Deputies of the respective Territories, Regions, Autonomous Regions or Areas for a term of five years.

ARTICLE 109: People's Courts are elected by the citizens of the districts on the basis of universal, direct and equal suffrage by secret ballot for a term of three years.

ARTICLE 110: Judicial proceedings are conducted in the language of the Union Republic, Autonomous Republic or Autonomous Region, persons not knowing this language being guaranteed the opportunity of fully acquainting themselves with the material of the case through an interpreter and likewise the right to use their own language in court.

ARTICLE 111: In all Courts of the U.S.S.R. cases are heard in public, unless otherwise provided for by law, and the accused is guaranteed the right to defence.

ARTICLE 112: Judges are independent and subject only to the law.

ARTICLE 113: Supreme supervisory power to ensure the strict observance of the law by all Ministries and institutions subordinated to them, as well as by officials and citizens of the U.S.S.R. generally, is vested in the Procurator-General of the U.S.S.R.

ARTICLE 114: The Procurator-General of the U.S.S.R. is appointed by the Supreme Soviet of the U.S.S.R. for a term of seven years.

ARTICLE 115: Procurators of Republics, Territories, Regions, Autonomous Republics and Autonomous Regions are appointed by the Procurator-General of the U.S.S.R. for a term of five years.

ARTICLE 116: Area, district and city procurators are appointed by the Procurators of the Union Republics, subject to the

approval of the Procurator-General of the U.S.S.R., for a term of five years.

ARTICLE 117: The organs of the Procurator's Office perform their functions independently of any local organs whatsoever, being subordinate solely to the Procurator-General of the U.S.S.R.

The position in Russia which would correspond most generally to that of Chief Justice of the U.S. Supreme Court is that of Procurator-General. However, in another sense the Procurator-General has the function of an attorney general.

This office is filled by appointment through the Supreme Soviet of the U.S.S.R., and the term in office is the longest officially recognized in the Soviet Union—seven years. Subordinate procurators are provided in the separate republics, territories, regions, and so on, and are appointed for five-year terms.

There are two major areas in which the Russian court system differs from the American. In the first place, there is no court body in Russia empowered to judge the constitutionality of any law or policy. This is done by the Supreme Soviet, and specifically by the Presidium of the Supreme Soviet. Since this is the lawmaking function, containing within itself its own ability to approve of its own actions, there is less conflict over policies and laws than is apparent in the United States.

In the second place, there appears to be no way for the Russian citizen to initiate legal actions against his government. The courts try cases between citizens. Citizen versus the government would find the citizen in error.

While this is nearly always true in the United States as well, there is a semblance of freedom of opposition preserved in the "due process" concept. Actually, however, in either the U.S.A. or the U.S.S.R. it is not practical for anyone seriously to consider challenging either the government's power or its authority.

CHAPTER X

Fundamental Rights and Duties of Citizens

There are two chapters in the Russian Constitution that are of particular interest to Americans. The first is Chapter I, which was discussed earlier. The second is Chapter X, called "Fundamental Rights and Duties of Citizens."

There is no doubt that when Lenin drew up the first all-Union constitution he had access to the American Constitution at the time. There are parallels in this chapter to the American Bill of Rights which are too close to be coincidental.

But one major observation should be made at the outset. In fact, it should be repeatedly made, for we in America are prone to forget it, and we can use some frequent reminders.

The Bill of Rights (the first ten amendments to the Constitution) relate to a concept of rights enunciated in the Declaration of Independence. It is the position of this basic American document that a "right" is a *principle*, a functional attribute extended to all men equally by the Creator. This concept is unknown anywhere else in the world, so far as legal documents are concerned. Though other nations may speak of "rights," they do not speak of them with the same inference supplied in the United States.

The Russian Constitution provides a prime example. Each of the "rights" enunciated in Chapter X is, by definition, a privilege granted to the people by the government. There is neither thought nor suggestion that the listed "rights" are natural attributes of man. On the contrary, each so-called right is a political prerogative, granted by the government, supplied by the government and, thus, revocable by the government.

In America it is assumed, at least in the Declaration of Independence, and partly assumed in the Bill of Rights, that the rights

of man precede government and would exist even if there were no government. In Russia, it is clear that no such idea has ever occurred to the lawmakers. Rights, so-called, are merely privileges granted to those who obey the law, and if there were no law there would be no rights at all.

ARTICLE 118: Citizens of the U.S.S.R. have the right to work, that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality.

The right to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment.

As we think of rights, we think of natural attributes. Therefore, when the Russian government says that a man has a "right to work," we tend automatically to suppose that he has an equal right not to work if he so chooses. This is not the case. Although, as we will see, a Russian has a "right" to vacations and time off for illness, he has no "right" not to have a job. Even though he might be able to save his money and finally retire, there is no provision in the constitution for such a procedure. Indeed, Article 12 in Chapter I militates against retirement. It says, you will recall, "He who does not work, neither shall he eat."

The Russian government has adopted the enormously compulsive and evil idea of "full employment," about which we hear much these days. Article 118 so specifies. As a Russian citizen, you *shall* work. And since the Russian government is the principal employer, you will also be told by that same government where to work and how much your work is worth.

It is relatively simple for the state to declare that you will receive pay in accordance with quality and quantity of work. The state makes all decisions, and as competition has been officially ruled out (though it still exists), the equality of the workingman is the prime objective.

The statement that economic crises have been made impossible is, of course, fallacious. But the fact is that any economic crises would be national in scope, hence would be felt by all, and conceivably, unless the catastrophe were large enough, might escape notice by the restrained rank and file.

In point of fact, Russia has had a continuing economic crisis since 1917, but since the state compels an equal sharing of the nearly universal poverty, the fact of crisis is glossed over.

In short, the plight of the Russian peasant is just a mark above desperation. But since the peasant's neighbor is in much the same predicament, each can assume that no crisis exists.

ARTICLE 119: Citizens of the U.S.S.R. have the right to rest and leisure. The right to rest and leisure is ensured by the establishment of an eight-hour day for industrial, office, and professional workers, the reduction of the working day to seven or six hours for arduous trades and to four hours in shops where conditions of work are particularly arduous; by the institution of annual vacations with full pay for industrial, office, and professional workers, and by the provision of a wide network of sanatoriums, holiday homes and clubs for the accommodation of the working people.

Before the American workingman smacks his lips and rubs his hands at the joyfulness of the prospect, he should bear in mind that what is envisioned here as a "worker's paradise" permits no choice at all for the worker. He may get his vacation with pay. But he will take it at a rest resort provided by the state, when and where the state decrees. There will be no such thing as his going off with his wife and family to share a few days of solitude and introspection. Even vacations are times of intensive political group activity.

Additionally, it should be noted that the shorter hours in some arduous tasks in no way calls for increased hourly pay. On the contrary, the worker with only four to six hours of employment a day may find himself on the verge of starvation a good share of the time. The kindness of the state in matters of employment is all based upon state objectives. Individuals have no say in the Soviet Union, either for themselves, privately, or for themselves politically.

ARTICLE 120: Citizens of the U.S.S.R. have the right to maintenance in old age and also in case of sickness or disability.

This right is ensured by the extensive development of social insurance of industrial, office, and professional workers at state

expense, free medical service for the working people, and the provision of a wide network of health resorts for the use of the working people.

This is the same program that social planners are intent on bringing about in the United States. Social Security is merely the forerunner of a complete takeover of the individual by the state. While it may seem comforting to know that the state is going to provide for you in sickness or in old age, one should bear in mind that the level of such provision is determined by the state, as well as the degree of sickness or old age which qualifies one for state assistance.

When you remember that in Russia the state is the major employer, and hence that the so-called "state expense" and "free medical service" are merely unpaid wages deducted from the workers before they even get their meager pittance for their labors, the apparent benevolence wears a bit thin.

ARTICLE 121: Citizens of the U.S.S.R. have the right to education.

This right is ensured by universal compulsory seven-year education; by extensive development of ten-year education, by free education in all schools, higher as well as secondary, by a system of state grants for students of higher schools who excel in their studies; by instruction in schools being conducted in the native language, and by the organization in the factories, state farms, machine and tractor stations, and collective farms of free vocational technical and agronomic training for the working people.

This is a system of government, gun-run schooling which, unfortunately for all of us, was copied from us by the Russians. It follows, as anyone can plainly see, that when the government runs the schools, the government indoctrinates the pupils.

Note, also, the emphasis upon technical and agronomic training. The same emphasis is now being made in American schools in an effort to train each person to work and to work as well as he can for the state.

In America the disguise is better, because in America the citi-

zen pays many more taxes than in Russia. But in Russia, the worker is paying for everything too, although he fancies he is getting things at "state expense."

ARTICLE 122: Women in the U.S.S.R. are accorded equal rights with men in all spheres of economic, government, cultural, political and other public activity.

The possibility of exercising these rights is ensured by women being accorded an equal right with men to work, payment for work, rest and leisure, social insurance and education, and by state protection of the interests of mother and child, state aid to mothers of large families and unmarried mothers, maternity leave with full pay, and the provision of a wide network of maternity homes, nurseries and kindergartens.

At the moment in the United States, several movements are underway to accomplish much the same sort of thing. But again, we remind the reader that when the state assumes care of the mother, the mother becomes state property; when the state assumes care of the child, the child becomes state property. And each child becomes the ward of the state in Russia, virtually from the moment of birth.

This is state education and state indoctrination carried on *in toto*. Private affairs, as such, have virtually been eliminated in the Soviet Union. A similar effort is being made in the United States.

ARTICLE 123: Equality of rights of citizens of the U.S.S.R., irrespective of their nationality or race, in all spheres of economic, government, cultural, political and other public activity, is an indefeasible law.

Any direct or indirect restriction of the rights of, or, conversely, the establishment of any direct or indirect privileges for, citizens on account of their race or nationality, as well as any advocacy of racial or national exclusiveness or hatred and contempt, are punishable by law.

Article 123 comes as close as any in the Russian Constitution of actually approaching the concept of rights as we understand them in the United States. It is doubtful, if the stories repeatedly

coming to us are factual, that this particular article is as strenuously enforced as the wording suggests. Indeed, the severity of the wording itself causes this article to be greatly distrusted.

ARTICLE 124: In order to ensure to citizens freedom of conscience, the church in the U.S.S.R. is separated from the state, and the school from the church. Freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens.

This article can be taken literally. As a Russian citizen you are free to worship as you see fit. But there is no indication that you are free to seek converts to your faith. Rather, you are free to convert people away from church, but free to go to church if you still care to do so.

At the present time in Russia, so far as we can learn, churches of all faiths are open. They are not well attended. The younger generation is notably absent.

Also, churches must confine themselves to their religious dogma and not seek to comment on current events—which might create political repercussions. Within a careful framework of restraint, religion is permitted in the Soviet Union.

ARTICLE 125: In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the U.S.S.R. are guaranteed by law:

- a)* Freedom of speech;
- b)* Freedom of the press;
- c)* Freedom of assembly, including the holding of mass meetings;
- d)* Freedom of street processions and demonstrations.

These civil rights are ensured by placing at the disposal of the working people and their organizations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights.

Article 125, covering freedom of speech and so on, at once gives the impression that the Russian government is encouraging

varying degrees and kinds of opinion. A closer look is essential. The opening of the article gives away the real intention.

It is stated specifically: "In conformity with the interests of the working people, and in order to strengthen the socialist system . . ." There is no provision that suggests that anything not in conformity with the interests of the working people, or what could be construed as their interests, would be tolerated. Identically, the same could be said about the socialist system. Anything that smacks of non-socialism would be ruled out of order.

In other words, freedom of speech, of the press, and so on is authorized so long as the speech and the written notices are in harmony with declared Soviet objectives. Anything to the contrary would be classed as subversive, and no freedom is granted for it. It would be tacitly understood that support of the Russian system of government would be "in the interests of the working people."

Even though someone might acquire free-market education and seek to convince people of the efficacy of something other than the Soviet economic ideals as being in greater accord with the true interests of the workers, there is no granting of permission to spread such ideas.

In short, this provision in the constitution guarantees to the Russian people the opportunity of favoring the Russian system. They may do this with the full approval and co-operation of the Russian government. Anything to the contrary is inconceivable.

No room exists, then, for newer or better ideas. The Russians are stuck with their system until such time as a major and total overhaul becomes possible. There are rumors aplenty that just such an undercurrent exists in Russia. There are people there who have, one way or another, acquired a little more information than the government wishes them to have. Their problem is one of dissemination.

ARTICLE 126: In conformity with the interest of the working people, and in order to develop the organizational initiative and political activity of the masses of the people, citizens of the U.S.S.R. are guaranteed the right to unite in public organizations: trade unions, co-operative societies, youth organizations, sport and defence organizations, cultural, technical and scientific societies; and the most active and politically-conscious citi-

zens in the ranks of the working class, working peasants and working intelligentsia voluntarily unite in the Communist Party of the Soviet Union, which is the vanguard of the working people in their struggle to build communist society and is the leading core of all organizations of the working people, both public and state.

Although this may be taken as sheer propaganda, it is more than that. Here is a thinly veiled hint that if you know what is good for you, politically speaking, you will volunteer to be a member of the Communist Party organization.

Note again the "right" to join. But there is no enunciated "right" not to join.

This article reveals the true nature of the Russian superstate. Every organization is a public or a state organization. The private organization does not exist in Russia. The private individual in Russia is almost non-existent. As we will see later, it is these groups, clubs, organizations, and so on which form the nucleus of the entire political structure. Russia is organized along group (soviet) lines, from top to bottom.

Another point worth observing is the plainly stated fact that the Communist Party "is the leading core of all organizations . . ." This is to say that there are active Communists in every organization, and hence the influence of the party will be felt at all times in all organized effort. There is no second party in Russia.

ARTICLE 127: Citizens of the U.S.S.R. are guaranteed inviolability of the person. No person may be placed under arrest except by decision of a court or with the sanction of a procurator.

Article 127 of the Russian Constitution is one of those grievously stated articles, similar to a number in the American Constitution. It means that no Russian may be arrested except when the government decides to arrest him.

ARTICLE 128: The inviolability of the homes of citizens and privacy of correspondence are protected by law.

This is much more strongly worded than the corresponding amendment to the American Constitution. There is some evidence

that the Russian government, on occasion, lives up to the wording. There is no reason to suppose that it would not violate this provision if the "safety" of the Soviet Union were involved. As in our own case, the Russians may be in process of learning that a written constitution is no protection against the power and the whim of men in power.

ARTICLE 129: The U.S.S.R. affords the right of asylum to foreign citizens persecuted for defending the interests of the working people, or for scientific activities, or for struggling for national liberation.

There have been a few British subjects and an occasional national from some other land who have taken advantage of this provision and have fled to refuge behind the Iron Curtain.

ARTICLE 130: It is the duty of every citizen of the U.S.S.R. to abide by the Constitution of the Union of Soviet Socialist Republics, to observe the laws, to maintain labour discipline, honestly to perform public duties, and to respect the rules of socialist intercourse.

This is clearly a redundancy. The entire existence of the Russian Constitution provides for obedience by all and sundry.

ARTICLE 131: It is the duty of every citizen of the U.S.S.R. to safeguard and fortify public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the country, as the source of the prosperity and culture of all the working people.

Persons committing offences against public, socialist property are enemies of the people.

There is no corresponding rule calling for the protection of private property, which, as was pointed out earlier, still exists and functions in the Soviet Union. Conceivably the Russian government would look with some degree of latitude upon anyone who might steal or damage private property. However, it is clear that collectivized property is to be protected at all costs. Presumably personal property would have a degree of sanctity.

ARTICLE 132: Universal military service is law.

Military service in the Armed Forces of the U.S.S.R. is an honourable duty of the citizens of the U.S.S.R.

So thoroughly is this doctrine supported that in point of fact every Russian, man or woman, is automatically geared into the government regardless of whether he serves in the armed forces or in one of the industrial armies of workers. In a real sense the Russian is a part of the political apparatus in the same way that citizens of ancient Sparta were a part of the total scheme of things under the almost mythological ruler Lycurgus.

ARTICLE 133: To defend the country is the sacred duty of every citizen of the U.S.S.R. Treason to the Motherland—violation of the oath of allegiance, desertion to the enemy, impairing the military power of the state, espionage—is punishable with all the severity of the law as the most heinous of crimes.

This is typical of any state. The duty of the citizen is always assumed to consist primarily of support of the political structure.

CHAPTER XI

The Electoral System

Many persons have held that the lack of a second political party in Russia deprives the Russian people of a full opportunity of expressing themselves at the polls. Actually this is not true, as our exploration of Chapter XI, which covers the Russian electoral procedures, reveals.

Elections in Russia are conducted much the same way as elections are conducted in organizations or in corporations in the United States. There is, of course, the lack of two competing political parties. But there is a far wider latitude in the manner of nominating candidates than is true in the United States, politically.

ARTICLE 134: Members of all Soviets of Working People's Deputies—of the Supreme Soviet of the U.S.S.R., the Supreme Soviets of the Union Republics, the Soviets of Working People's Deputies of the Territories and Regions, the Supreme Soviets of the Autonomous Republics, the Soviets of Working People's Deputies of the Autonomous Regions, and the Area, District, city and rural (stanitsa, village, hamlet, kishlak, aul) Soviets of Working People's Deputies—are chosen by the electors on the basis of universal, equal and direct suffrage by secret ballot.

ARTICLE 135: Elections of deputies are universal: all citizens of the U.S.S.R. who have reached the age of eighteen, irrespective of race or nationality, sex, religion, education, domicile, social origin, property status or past activities, have the right to vote in the election of deputies, with the exception of insane persons and persons who have been convicted by a court of law and whose sentences include deprivation of electoral rights.

Every citizen of the U.S.S.R. who has reached the age of twenty-three is eligible for election to the Supreme Soviet of the U.S.S.R., irrespective of race or nationality, sex, religion, education, domicile, social origin, property status or past activities.

These two articles, 134 and 135, set forth the broad base of political activities in the Soviet Union. The widest possible employment of the franchise is envisioned, with both service in government and service to government fully provided for. This is doubtless the reason Russian leaders continually state that theirs is a "people's democracy." Actually, as the constitution reveals, this is a republican form of government, operating through the democratic process. Age, insanity, or criminality are the only debarments from full political participation.

A wide use of the ballot in Russia has not guaranteed to the Russian people any more goodness or benevolence in their government than we are accustomed to in the United States.

ARTICLE 136: Elections of deputies are equal: each citizen has one vote; all citizens participate in elections on an equal footing.

ARTICLE 137: Women have the right to elect and be elected on equal terms with men.

ARTICLE 138: Citizens serving in the Armed Forces of the U.S.S.R. have the right to elect and be elected on equal terms with all other citizens.

ARTICLE 139: Elections of deputies are direct: all Soviets of Working People's Deputies, from rural and city Soviets of Working People's Deputies to the Supreme Soviet of the U.S.S.R., are elected by the citizens by direct vote.

ARTICLE 140: Voting at elections of deputies is secret.

ARTICLE 141: Candidates are nominated by election districts.

The right to nominate candidates is secured to public organizations and societies of the working people: Communist Party organizations, trade-unions, co-operatives, youth organizations and cultural societies.

Although brief, this article gives us the final key to the understanding of the Soviet political system.

You will recall that Article 126 specifies that every Russian has the "right" to join any number of *public* organizations "in conformity with the interests of the working people, and in order to develop the organizational initiative and political activity of the masses . . ." You will also recall that this same article made it clear that the most active of all organizations is the Communist Party itself, and that the Party provides the "core" of all organizations of the working people, both public and state.

These facts, in combination with Article 141, reveal the entire picture. The individual Russian has *no* political power or function whatever. He either joins one or another of the public organizations open to him, or he exists in a sort of vacuum, a veritable pariah among his fellows.

Within his organization he is a part of the group (soviet). Here he can nominate political candidates or be one himself. Here he assists, in a broad and carefully controlled way, in the selection of the national slate of candidates. The slate, once it has been carefully worked over by Communist Party members who operate within every public organization, is offered to the people in a general plebiscite. This voting occurs within the specific organizations within the political election districts.

Further, voting is not, except at nomination level, for individuals. When a general election is held, the Russian people are permitted to vote *for* or *against* the slate of candidates that has been carefully put together by the various organizations, masterminded by the C.P.

On March 16, 1958, all candidates on the single slate were elected to the Supreme Soviet. There were 1,378 candidates. All were elected, since there is no way to reject any of them once they have been included on the official slate.

Of eligible voters, 99.97 per cent approved the slate. Only 580,641 out of a total list of eligibles numbering 133,796,091 failed to ratify the slate. Whether their failure occurred through not voting or through opposing the slate is not known. So far as is known, reprisals did not occur against any of this half-million.

A degree of competition in the selection of candidates was noted. Altogether 712 deputies were chosen to represent workers

in industry, transport, and agriculture. This constituted 51 per cent of the Supreme Soviet. In the preceding Supreme Soviet there were 502 deputies from these same areas of endeavor, who made up 37 per cent of that Supreme Soviet.

The Communist Party, as of May, 1960, had 8,708,000 members. The highest authority in this body is the congress. It is called "the party congress" and has 1,500 members. This Party, similar to Republican or Democratic parties in the United States, has a "Central Committee." In October, 1961, the 22d Soviet Communist Party Congress meeting confirmed Nikita Khrushchev as the party's first secretary and chairman of the republic's Political Bureau.

Further, the elections enlarged the Central Committee from 225 to 331 members including alternates. This Central Committee is responsible for the election of a Party Presidium, which, prior to 1961, had 15 full members and 11 alternates. In 1961 the Presidium was reduced to 16 members, including alternates. This reduction made it possible for a number of pro-Stalinists to be ousted from the Presidium.

The Communist Party is the government within the government. It runs the show.

ARTICLE 142: It is the duty of every deputy to report to his electors on his work and on the work of his Soviet of Working People's Deputies, and he may be recalled at any time upon decision of a majority of the electors in the manner established by law.

CHAPTER XII

Arms, Flag, Capital

ARTICLE 143: The arms of the Union of Soviet Socialist Republics are a sickle and hammer against a globe depicted in the rays of the sun and surrounded by ears of grain, with the inscription "Workers of All Countries, Unite!" in the languages of the Union Republics. At the top of the arms is a five-pointed star.

ARTICLE 144: The state flag of the Union of Soviet Socialist Republics is of red cloth with the sickle and hammer depicted in gold in the upper corner near the staff and above them a five-pointed red star bordered in gold. The ratio of the width to the length is 1:2.

ARTICLE 145: The Capital of the Union of Soviet Socialist Republics is the City of Moscow.

CHAPTER XIII

Procedure for Amending the Constitution

ARTICLE 146: The Constitution of the U.S.S.R. may be amended only by decision of the Supreme Soviet of the U.S.S.R. adopted by a majority of not less than two-thirds of the votes in each of its Chambers.

CONCLUSION

The Moral to Be Learned

AMERICANS are prone to suppose that because they have a constitution, republican in character, they are insulated against the political evils of the world. Nothing could be further from the truth. The Russians, too, have a constitution, republican in character. That it has not insulated them from political evil is ready testimony on the lips of any westerner.

From the standpoint of political power, the Russian Constitution is parallel to the American Constitution at many points. Some aver that the American Constitution was clearly used as a guide for Lenin when he was drafting the original Russian instrument.

It should be borne in mind by anyone who cares to examine the record that governments are always instruments of power and that in practice, whatever they pretend to be, they are invariably employed to diminish or to eliminate the freedom of individuals.

The Russian Constitution provides certain evidence of this. Indeed, for candor it wins the prize, for it makes little pretense of trying to preserve the privacy and the individuality of its people. Rather, with boldness and directness it outlines the policy of total group conformity and total group participation in political affairs.

Another factor is worthy of emphasis. We are repeatedly assured by our political officeholders in the United States that a larger participation in political affairs will cure whatever maladies we presently have. One can readily see that in Russia,

when 99.97 per cent of the qualified electors vote (as in the 1958 elections), the quality of government is not improved. However, as in this country, each election automatically brings with it an increase in quantity, though quality up-grading may not be visible.

In this country we still are free *not* to participate in political activity. Though such freedom to abstain does exist in Russia, the organization of the state from the bottom up and from the top down reveals the true nature of the Soviet system. This is the group system specified at the outset. In Russia everything is group.

In America, where we have government sponsorship of certain organizations, such as the C.I.O., various health clubs and mental-health clubs, Four-H clubs, and various county groups, we are providing a new and dangerous parallel to Russianism.

The single overriding characteristic of Russia is the existence of man as a piece of a political mechanism. Economically, in Russia, man is a slave to the state (with minor exceptions), produces for the state, lives for the state, and has his life and times within the state framework.

The single overriding characteristic of traditional America was the reverse. The state was merely the tool of man as he lived his own life, fulfilled his own destiny, and gained or lost privately under his own responsibility and initiative.

America's national progress for the last several decades has been progressively into greater and greater political involvement. Today its government is even larger in its bureaucracy than Russia's.

